

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

FEB 17 2004

Case No. 5403Date Filed 2-11-04

Hearing Date _____

Receipt _____

Fee \$450⁰⁰

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

- _____ Administrative Decision/Interpretation
- _____ Special Exception
- _____ Use Variance
- _____ Change/Extension of Non-Conforming
- _____ Minor Area Variance
- _____ Area Variance
- XX Variance from Requirements of the Co
- _____ Zoning Map/Drafting Correction

CASE 5403 MAP 16 TYPE Variance

ELECTION DISTRICT 4 LOCATION 2063-A Mount Horeb Road, Jarrettsville, Md, 21084

BY Dane T. Humphreys c/o Humphreys Team Real Estate Specialist, 218 Fulford Ave., Bel Air, Md, 21014 and Kimberley L. Humphreys, 2430 Dixie Lane, Forest Hill, Md, 21050

Appealed because a variance pursuant to Section 267-22G(4)(b) of the Harford County Code to allow a panhandle less than the required 12.5 feet (6.25 feet proposed) in an Agricultural District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Dane T. HumphreysPhone Number 410-879-7232Address c/o Humphreys Team Real Estate Specialists218 Fulford Avenue

Street Number

Street

Bel Air
CityMD
State21014
Zip CodeCo-Applicant Kimberley L. HumphreysPhone Number 410-838-1718Address 2430 Dixie Lane

Street Number

Street

Forest Hill

City

MD
State21050
Zip Code

Contract Purchaser _____

Phone Number _____

Address _____

Street Number

Street

City

State

Zip Code

Attorney/Representative _____

Jacqueline A. DelisleBrown, Brown & Brown, P.A.Phone Number 410-838-5500Address 200 S. Main Street

Street Number

Street

Bel Air
CityMD
State21014
Zip Code

Land Description

Address and Location of Property 3063A ~~2061~~ (assigned address) Mount Horeb Road

Subdivision Lands of Elizabeth Koch, Plat 103/4 Lot Number 2
Acreage/Lot Size 10.7281 (with/ two development rights) Election District Fourth Zoning Ag
Tax Map No. 16 Grid No. 3A Parcel 68 Water/Sewer: Private x Public

List ALL structures on property and current use: Unimproved

Estimated time required to present case: 45 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No x

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes No x

Is this request within one (1) mile of any incorporated town limits? Yes No x

Request

See Exhibit A attached

Justification

See Exhibit B attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Exhibit A to Application for Variance - Dane T. Humphreys

REQUEST:

A variance from Code Section 267-22G(4)(b), which requires double [p]anhandle lot configuration to have a minimum width of twelve and one-half feet (12.5') for each panhandle (for a total of twenty-five feet (25')), to subdivide an existing panhandle lot with a current acreage of 10.7281 (which carries two (2) existing assigned development rights) and has a panhandle width of twelve and one-half feet (12.5') in order to create two (2) residential lots, which newly created lots would be served by adjacent panhandles each having a width of 6.25', which subdivision would result in a total of four (4) (adjacent) lots utilizing a single panhandle configuration in accordance with Section 267-22G(4).

Exhibit B to Application for Variance - Dane T. Humphreys

JUSTIFICATION

The Applicant, Dane T. Humphreys, requests a variance from the requirements of Code Section 267-22G(4)(b), which provides that double panhandle configuration lots shall have each a panhandle width of 12.5 feet, for a total width of 25 feet. The Applicant's existing panhandle width is 12.5 feet, and he is requesting a variance to split that panhandle into two 6.25 foot wide widths.

The parcel subject to his variance request is an agriculturally zoned lot having a gross acreage of 10.7281 acres (10.4555 net; 0.2726 panhandle). It is one of three existing panhandle lots created by a series of recorded subdivision plats in 1990, which subdivided the 33 acre tract of Elizabeth Koch.¹ The subject parcel, designated as Parcel 68 on Tax Map 16, is a panhandle lot, which panhandle width is 12.5 feet. In order to subdivide this lot, the Applicant would be using the two Development Rights² assigned to this lot, which subdivision would exhaust all Development Rights which existing with the original parcel, thereby eliminating future subdivision of this lot, or any of the adjacent lots in this panhandle configuration.³ Assuming arguendo that the variance request is granted, there would be a total of four (4) lots in this panhandle configuration, as permitted by Code Section 267-22G(4).

The Applicant purchased the last three lots created from the Lands of Elizabeth Koch, from Mrs. Koch by deed dated May 18, 2001. Lot 2, the subject lot, carried two Development Rights and was represented as able to be resubdivided. The uniqueness of the parcel is the width of its panhandle and relationship of its existing panhandle to the other panhandle lots in this current configuration of three lots on a panhandle which totals 37.5 feet. The subject lot has no other alternative access.

Lot 2 was originally crated as part of a four lot subdivision recorded on two separate plats (see Exhibit A) "Final Plat Lots 1 & 2," recorded in Plat Book 71, page 02 created one lot (Lot 1) with road frontage, around the existing farmhouse and outbuildings and Lot 2, a panhandle lot with a 25 foot wide panhandle. Immediately adjacent to that portion of the project, in both the plat books and neighborhood, were Lots 3 and 4 (recorded 71/03) which created Lot 4, another frontage lot on the opposite side of the panhandle configuration from Lot 1, and Lot 3, abutting

¹See Tab Exhibit 1

²Development Right as defined in Section 267-134D(3). It is uncontroverted that the subject parcel may be resubdivided to create two (2) residential lots pursuant to this Section (see Assignment of Development Rights note, Plat 103/4)

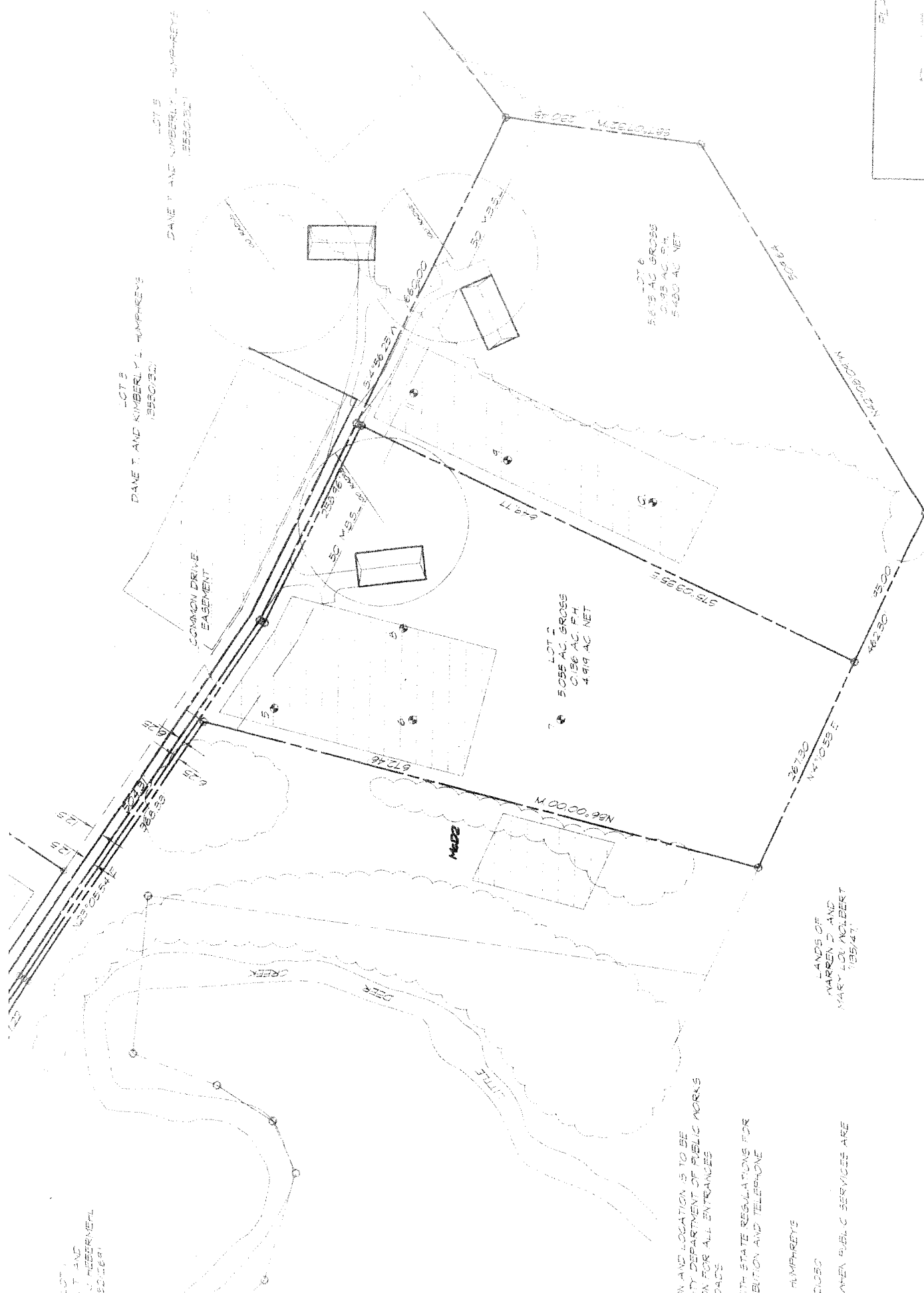
³Development Right history

Lot 2, also having a 25 foot wide panhandle. The location of the panhandle lots in the lot configuration was determined by the existing driveway and relation of the existing structures.

The panhandle layout was quickly revised however by "Revised Final Plat Lot 1 & 2," recorded 71/41, which created a "Parcel A" (unrelated to the panhandle issue, to be conveyed to the property adjoining Lot 1), and also adjusted the width of Lot 2's panhandle, reducing it to 12.5 feet (the additional area, being redistributed to Lot 1 to accommodate existing structures and avoid the creation of non-conforming buildings by increasing the side yard area of Lot 1). The total area available for the panhandle configuration for Lot 2 and 3 (which was not subject to revision by this plat), following recordation of Plat 71/41, was now 32.5 feet (Lot 3 - 25'; Lot 2 - 12.5').

Lot 3 was itself re-subdivided to create two 12.5 foot wide panhandle lots (Lots 3 and 5) by Plat 103/4. Your Applicant purchased Lots 2, 3, and 5 in 2001.

Using the Development Rights available to it, the Koch parcel originally appeared to have been able to create four lots on a panhandle configuration at the time of the creation of the original lots. A re-survey of the area lying between the existing buildings and the adjacent neighbor's land to the east (right) of Koch's land at the entry to Mt. Horeb Road conducted by the engineer surveyor determined that Lot 1 should have been apportioned additional width when it was first created. Mr. Wolf corrected that issue by filing a revised plat (71/41) one month after recordation of the original plats. The Applicant, who was not part of the original subdivision project, is requesting this variance to create a subdivision permitted by Code, i.e., four lots on a panhandle configuration. All of these lots will be served by an existing common driveway (and will be subject to a common drive easement agreement for maintenance, just as the existing lots are subject to such agreement). In order to do so, however, he must secure a variance to create two lots, each with 6.25 foot wide panhandles, rather than the 12.5 foot width required by Section 267-22G(4).



LOT 1
1.0 AC
RESERVE
2016

LOT 3
DAVE T. AND KIMBERLY L. HUMPHREYS
(5500.00)

LOT 5
DAVE T. AND KIMBERLY L. HUMPHREYS
(5500.00)

COMMON DRIVE
EASEMENT

LOT 2
5.055 AC GROSS
0.156 AC PH
4.899 AC NET

LOT 6
5.815 AC GROSS
0.156 AC PH
5.659 AC NET

LANDS OF
WARREN D. AND
MARY LOU MOBERT
(19547)

AND LOCATION IS TO BE
BY DEPARTMENT OF PUBLIC WORKS
ON FOR ALL ENTRANCES
DACS

WITH STATE REGULATIONS FOR
EUTON AND TELEPHONE

HUMPHREYS

2000

WHEN PUBLIC SERVICES ARE

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